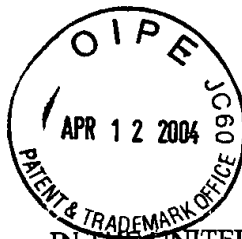


71272



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application) Art Unit: 1616
)
Applicant(s): Mark Hodgkinson) Confirmation No.: 7811
)
Serial No.: 08/913,976)
)
Filed: December 22, 1997)
)
For: OIL FOR AGRICULTURAL USE)
)
Examiner: Alton Nathaniel Pryor)

DECLARATION OF DR. DAVID JOHNSON UNDER 37 C.F.R. §1.132

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

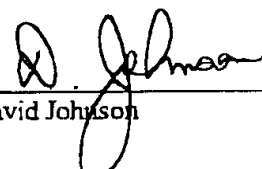
Sir:

Dr. David Johnson declares as follows:

1. That his Employment History is as set forth in Exhibit A.
2. That his Education is as set forth in Exhibit B.
3. That he has co-authored the publications as set forth in Exhibit C.
4. That he has read and is familiar with the above-identified patent application, U.S. Serial No. 08/913,976, for which he now has responsibility.
5. That he is familiar with the chemistry involved in the use of agricultural sprays.
6. That he has read Parham GB2257044 and understands its teachings.
7. That, in his opinion, based on his experience in the art, that one skilled in the art would not look to Parham for teachings concerning or material to an oil for use as a carrier in an agricultural spray for pesticides or micronutrients because Parham teaches a herbicide for severely damaging or killing plants.

8. That if the teachings of Parham were followed, the result would be an agricultural oil product having sufficient levels of a herbicidally active molecule such as an aryloxy benztriazole to cause the agricultural oil product to severely damage or kill plants.
9. That Parham teachings would not result in a product with sufficiently reduced photo-oxidation tendency.
10. That Parham teachings would not result in a product that provides for a phyto-safe agricultural spray.
11. In his opinion, based on his experience as one skilled in the art, there is no teaching in the art of record which would suggest to one skilled in the art that an oil for use as a carrier of micronutrients and pesticides in agriculture which incorporated a UV absorber such as a benzoxazole, benzotriazole or benzthiazol within the concentration range specified could be successfully utilized in view of the herbicidal qualities taught by Parham.

That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the lies so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.



Dr. David Johnson